ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clvii.

An Act for conferring additional Powers on the *London and North-western* Railway Company with reference to the Construction of their *Oldham* Branch, and for making an Alteration in such Branch; and for other Purposes.

[4th *August* 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to consolidate the* London and Birmingham, Grand Junction, *and* Manchester and Birmingham *Railway Companies*, whereby the said Companies were united into One Company, under the Name of "The *London and North-western* Railway Company:" And whereas further Powers have been conferred upon the said Company by various other Acts of Parliament: And whereas by "The *Huddersfield and Manchester* Railway (Deviations and Alterations in *Oldham* Branch) Act, 1847," the *Huddersfield and Manchester* Railway Company were authorized to construct the Branch Railway to *Oldham* in such Act mentioned: And whereas by an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her said Majesty, intituled *An Act to incorporate the* Huddersfield and Manchester *Railway and Canal Company and the* Leeds, Dewsbury, and Manchester *Railway Company with the* London and North-western *Railway Company*, the Undertakings

9 & 10 Vict. c. ccxxiv.

10 & 11 Vict. c. clix.

takings and Property of the *Huddersfield and Manchester* Railway and Canal Company were vested in and became the Property of the *London and North-western* Railway Company: And whereas it is expedient that the *London and North-western* Railway Company should be empowered to divert and alter the Line and Levels of the said Branch Railway, and that further Time should be granted for the Purchase of Lands and Houses required for the Purposes of the said Branch Railway and for the Completion thereof, which Time was enlarged by a Warrant of the Commissioners of Railways, as regards the Purchase of Lands, until the Ninth Day of *July* One thousand eight hundred and fifty-two, and as regards the Completion of Works until the Ninth Day of *July* One thousand eight hundred and fifty-four; but these Objects cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

I. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Interpretation Clause.

II. That where in this Act the Words "the Company" are used, they shall mean the *London and North-western* Railway Company.

Period for the compulsory Purchase of Lands limited.

III. That the Period limited for the compulsory Purchase of Lands and Houses for the Purposes of the *Oldham* Branch Railway hereinbefore mentioned shall be and the same is hereby extended and enlarged for the Period of Two Years from the passing of this Act.

Period for Completion of Works extended.

IV. That the Period limited for the Completion of the said Branch Railway and Works connected therewith shall be and the same is hereby extended for a Period of Three Years from the passing of this Act.

Parties aggrieved by Extension of Time may have Compensation for additional Damage.

V. That the Justices, Arbitrators, Umpires, or Juries respectively (as the Case may be) who shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands or Houses for the Purchase of which the Period is by this Act extended, and which shall be taken or used for the Purposes of the said Branch Railway and Works, or which may be injuriously affected by the Construction thereof, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time having been authorized as aforesaid.

VI. That

Existing Contracts, &c. to take Lands not to be affected.

VI. That the Extension of Time by this Act authorized shall not prejudice or affect any Contract or Agreement entered into or any Notice given by the Company before the passing of this Act for purchasing, taking, or using any Lands required for the Purposes of the said Branch Railway and Works as by this Act authorized, in respect of which such Extension of Time is granted.

Power to make Railway according to deposited Plans.

VII. And whereas Plans and Sections of the diverted or altered Line of Railway showing the Direction and Levels thereof, and also Books of Reference to the said Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Lancaster* and with the Clerk of the Peace for the West Riding of the County of *York*: Be it enacted, That, subject to the Provisions in this Act contained, it shall be lawful for the Company to make and maintain the said diverted or altered Line of Railway, with all necessary Works and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

As to diverted Line of Railway.

VIII. That the said diverted or altered Line of Railway to be made under the Authority of this Act shall commence at or by a Junction with the Main Line of the *Huddersfield and Manchester* Line of the *London and North-western* Railway at or near *Shaw Hall Bank* in the Township of *Quick* in the West Riding of the County of *York*, and shall terminate at or in the Town of *Oldham*, in the Township of *Oldham* in the Parish of *Prestwich-cum-Oldham* in the County of *Lancaster*, by a Junction with the *Mumps* Extension of the *Lancashire and Yorkshire* Railway at or near *Mumps Mill*, and the said diverted or altered Line of Railway shall be and become Part of the Undertaking of the *London and North-western* Railway Company.

Regulating Inclination of certain Roads.

IX. That as regards the Road herein-after mentioned, it shall be lawful for the Company to make the Rate of Inclination of such Road, when altered, as follows; (that is to say,)

Number on Plan.	Parish.	Description of Road.	Proposed Inclination.
165	Rochdale or Saddleworth	Turnpike Road -	1 in 12 and 1 in 22, the average Inclination of the present Road being 1 in 12.

X. That

Dimensions of Bridges over the Railway.

X. That it shall be lawful for the Company to make the Bridge or Arch at the Road numbered on the Plans deposited as aforesaid 165, in the Parish of *Saddleworth*, of Dimensions not less than Thirty-five Feet Span and Fifteen Feet Six Inches in Height.

Regulation as to certain Part of Railway crossing under the Turnpike Road at Ashes.

XI. And whereas the Line of the said Railway from *Shaw Hall* to *Oldham* will cross underneath the Turnpike Road leading from *Standedge* to *Oldham* at or near a Place called *Ashes* by means of a Bridge under the said Turnpike Road, and the Levels or Line of the said Turnpike Road are not to be altered or varied, but it is expedient that Provision should be made with reference to the Dimensions of such Bridge and the Width and Form of the said Turnpike Road, and for protecting the same Road: Be it therefore enacted, That for the Purpose of carrying the said Railway underneath the said Turnpike Road at the Point or Part where the same Railway and Road will respectively cross at *Ashes* aforesaid, the said Railway Company shall and will erect and build a good, firm, and substantial Bridge, with substantial and proper Battlements, Fences, and Approaches thereto, and which said Bridge and the Approaches thereto respectively, so far as any Alteration in or Interference with the said Road at the Point or Part aforesaid shall extend, shall be made of the clear Width of Thirty-six Feet at the least within the said Battlements and Fences thereof, and shall and will make and erect the Battlements and Fences of the said Bridge and of the Approaches thereto respectively, so far as any Alteration in or Interference with the said Road shall extend, in a proper and substantial Manner, and in a Line with the said Road at the Point or Part aforesaid, and of the Height of Four Feet Six Inches at the least above the Surface of the said Road, and for ever after repair, maintain, and keep the said Bridge, Battlements, and Fences respectively in good Order, Repair, and Condition, and also shall and will make, form, and restore the said Road and the Foundation and Surface thereof over the said Bridge and Approaches thereto respectively, so far as any Alteration in or Interference with the said Road shall extend, in a firm, proper, and substantial Manner, and pave with good Sets of Stone the whole Extent of the said Road over the said Bridge, and macadamize to the same Extent the Approaches thereto respectively, so far as any Alteration in the said Road shall extend, and do and shall make good and sufficient Drains and Culverts for the Purpose of draining and laying dry so much of the said Road as shall be altered or interfered with at the Point or Part aforesaid, and which said Road shall be so formed and restored as aforesaid in every respect where the same shall be altered or interfered with as aforesaid to the Satisfaction of the Surveyor of the said Road; and the said Railway Company shall and will maintain and keep the said Road, so far as the same shall be altered or interfered with as aforesaid, and all Matters

The London and North-western Railway (Oldham Branch Deviation, &c.) Act, 1853.

Matters and Things relating thereto, in good and substantial Repair and Condition for the full Term of Twelve Calendar Months after the same shall be so completely formed, paved, macadamized, and restored as aforesaid.

Regulations restricting Deviation on certain Parts of the Standedge and Oldham Turnpike Roads.

XII. And whereas certain Parts or Places on the *Standedge* and *Oldham* Turnpike Roads at or near *Shaw Hall Bank* are included within the Limits or Lines of Deviation marked on the said Plans, and at or near the following respective Numbers in the said Plans and Book of Reference, namely, No. 178, No. 192, and No. 172, but it is not intended for the Purposes of the said Railway or otherwise to take or interfere with the said Roads at the said Parts or Places, and it is expedient that the said Railway Company shall accordingly be restrained therefrom: Be it therefore enacted, That it shall not be lawful for the said Railway Company to encroach upon or otherwise in any Manner howsoever interfere with the said Roads at the several Points or Places above enumerated or referred unto, any or either of them, without the Consent in Writing of the Trustees of the said Turnpike Roads or their Clerks for that Purpose first had and obtained.

Power to alter engineering Works.

XIII. That the Company may deviate from or alter the Tunnel in the Parish of *Rochdale* or *Saddleworth* delineated on the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans: Provided always, that the Company shall not make any engineering Work instead of the said Tunnel, unless authorized by a Certificate from the Board of Trade, as provided by the Fourteenth Section of "The Railways Clauses Consolidation Act, 1845."

Junction with the Lancashire and Yorkshire Railway to be made to the Satisfaction of the Board of Trade.

XIV. That the said diverted or altered Line of Railway hereby authorized shall join the *Lancashire and Yorkshire* Railway at the Point at which the same is shown to join the same on the said deposited Plans, or to the Eastward of such Point, and within the Limits of Deviation shown on such Plans, and not elsewhere; and such Junctions, and all Openings in the Ledges or Flanches of the said *Lancashire and Yorkshire* Railway, and at all Points and Crossings which may be necessary or convenient for effecting the same, shall be made by and at the Expense of the *London and North-western* Railway Company, and in such Manner as shall be approved of and directed by the Board of Trade, and not otherwise.

Lands of that Company not to be taken without Consent.

XV. That it shall not be lawful for the *London and North-western* Railway Company to purchase or take any Lands or Buildings of or belonging to the *Lancashire and Yorkshire* Railway Company to the North of such Point of Junction, save for the Purpose of effecting such Junction, or to alter, vary, or interfere with the said last-mentioned

Company's Railway, or their Station, Buildings, or Works, without the Consent in Writing of the said *Lancashire and Yorkshire* Railway Company first had and obtained, anything in this Act or the said recited or any other Acts or Act contained to the contrary notwithstanding.

Saving Rights of Lancashire and Yorkshire Railway Company.

XVI. That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of or vested in or belonging to the *Lancashire and Yorkshire* Railway Company, but all their Rights, Privileges, Powers, and Authorities under their several Acts of Parliament or otherwise are hereby expressly saved and reserved, not only as against and with respect to the said *London and North-western* Railway Company, but also as against and with respect to all other Companies and Persons whomsoever.

Maximum Tolls.

XVII. That the Company may from Time to Time lawfully demand and receive from other Parties in respect of their Right to use the Railway by this Act authorized, and in respect of Carriages and Engines employed by such other Parties thereon respectively, any Tolls not exceeding the Tolls specified in the firstly herein-before recited Act.

Maximum Rates of Charges.

XVIII. That the Company may from Time to Time lawfully demand and receive for the Conveyance by them of Passengers upon the said Railways, including every Expense incidental to such Conveyance, except Government Duty, any Sums not exceeding the maximum Rate of Charge prescribed by the firstly herein-before recited Act.

For Cattle, Goods, &c.

XIX. That the Company may lawfully demand and receive for the Conveyance by the Company of Goods and Cattle upon the said Railways, including every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, any Sums not exceeding the maximum Charges prescribed by the said firstly-recited Act; and the same Regulations shall apply to all such Tolls, Rates, and Charges as apply to the Tolls, Rates, and Charges specified in the firstly herein-before recited Act.

Tolls for small Parcels.

XX. Provided always, That with respect to small Parcels carried on the Railways by this Act authorized the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Railway, or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence;

For

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for Parcels exceeding Fifty-six Pounds in Weight, and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages.

Power to apply Corporate Funds to Purposes of this Act.

XXI. That it shall be lawful for the Company to apply to the Deviation and Alteration of the said Branch Railway and Works by this Act authorized all or any of the Monies which they now have in their Hands, or which they have Power to raise by Shares or Mortgage, by virtue of any Acts relating to the Company, and which may not be required for the Purposes to which they are by any such Acts made specially applicable.

Dividends suspended if Railway not opened within a limited Period.

XXII. That if the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to declare or pay any Dividend on the ordinary or unguaranteed Capital of the Company until the said Railway shall have been completed and opened for public Traffic.

Deposits for future Bills not to be paid out of Company's Capital.

XXIII. That it shall not be lawful for the Company, out of any Money by any existing Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Railway, &c. to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., another

XXIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of Mails by Railways;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and

7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same are applicable.

Railways not exempt from Provisions of future General Acts.

XXV. That nothing herein contained shall be deemed or construed to exempt the Railways by this or any other Act relating to the Company authorized to be made, or the said Company, from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels, authorized by this or any other Act relating to the Company.

Expenses of Act.

XXVI. That all the Costs, Charges, and Expenses of and incident to the obtaining of this Act and preparatory thereto shall be paid by the Company.

Short Title.

XXVII. That in citing this Act it shall be sufficient to describe it as "The *London and North-western* Railway (*Oldham* Branch Deviation, &c.) Act, 1853."

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